

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

ROBERT J. DeVILLERS

v.

CA 13-173 ML

BLUE CROSS & BLUE SHIELD
OF RHODE ISLAND

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation issued by Magistrate Judge Almond on March 11, 2014 (Docket #33). Neither party has filed an objection and the time for doing so has passed.

The Court, therefore, adopts the Report and Recommendation in its entirety. Defendant's Motion for Summary Judgment is GRANTED in part affirming its decision that Alternative Youth Care ("AYC") was not a covered inpatient residential program and DENIED and REMANDED to the Plan Administrator to further develop the record and make a determination as to whether Plaintiff's son was entitled to coverage, out-of-network or otherwise, for any of the outpatient therapy or counseling services he received while residing at AYC between August 2011 and June 2012.

This Court will retain jurisdiction pending Blue Cross & Blue Shield of Rhode Island's review on remand. Counsel for Blue Cross & Blue Shield of Rhode Island shall provide the Court and Plaintiff with a status report on or before June 30, 2014.

SO ORDERED:

/s/ Mary M. Lisi
Mary M. Lisi
United States District Judge
March 31, 2014